

the preceding amendment and the following remarks.

CLAIM REJECTION 35 USC §112

Claims 15, 17-19, 21-22, 26, 31-32, 3637, and 40-44 stand rejected under 35 USC §112 as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor had possession of the claimed invention.

While it is true that in claims 15 and 19 the phrase "applying microwave radiation for a time effective to affix the formed glass and the formed plastic together whereby the shape of the formed glass and the shaped of the formed plastic remain substantially unchanged" does contain matter that was not described in the specification, Applicant adopted this language at the suggestion of Examiner (please see office action dated April 10, 2002; page 3, line 8). Actually, the lack of shape change is an unnecessary limitation, at least in regard to using the present process to form the exacting shapes inherently needed for ophthalmic lenses. Applicant would welcome any further, more acceptable claim language changes to claims 15 and 19 Examiner has to offer.

Claim 40 is not new matter because the specification does describe applying a sealant only to the margin of the glass and the margin of the plastic after applying the microwave radiation. "The plastic is heated indirectly by heat transmitted to it by the adjacent microwave-heated glass portion. The glass and plastic's margin are then sealed together with a sealant" (2nd paragraph, line 2 of the Detailed Description section of the specification). Further, it would have been obvious to one skilled in the art that selection of any order of the performing process steps was possible to achieve the same end result (MPEP 2144.04, IV, C.) Thus, the specification meaning would have been reasonably conveyed to one skilled in the art.

Claims 41-44 do not contain new matter because the specification does describe the sealant as being capable of being strengthened by exposure to microwave radiation. The specification describes the sealant as "a flexible, peripheral seal whose kinetic reaction strength has been enhanced with microwave radiation ..." (Abstract, line 6). The specification also describes the sealant as being capable of being cured by exposure to air. For example, the specification says that the "present invention also includes having the sealant be selected from the group consisting of silicones, ... epoxy resins, ... and polyvinyl butyric" (Summary, 6th paragraph). One need not be beyond ordinary skill in the art to realize that these compounds are all capable of being cured by exposure to air; fixing a punctured bike tire or caulking a window teaches this fact just as well. Further, the specification describes the sealant as including those that are commercially available (Detailed Description, 6th and 7th paragraphs). Many, if not most, of these sealants are air cured. Thus, the specification describes sealants that are both capable of being cured by exposure to air and of being strengthened by exposure to microwave radiation.

CLAIM REJECTION 35 U.S.C. §102

"Under 35 U.S.C §102, anticipation requires that each and every element of the claimed invention be disclosed in a prior art reference." " Every element of the claimed

invention must be literally present."

Claim 15 stands rejected under 35 U.S.C. §102(b) as being anticipated by *Kohan* (U.S. Patent 5,851,328).

As Examiner correctly points out, "*Kohan* suggests placing the adhesive on the center of a substrate. In particular, *Kohan* is directed at forming an even layer of adhesive over the entire interface between the substrates." Thus, *Kohan* teaches away from using an adhesive only on the peripheral areas of the substrates. *Kohan* therefore does not disclose each and every element of the claimed invention which is directed at applying an 'adhesive' only to the peripheral areas of the substrates. Further, though there is obviously some overlap between the two terms, it would be more correct to say that the present invention uses a sealant rather than an adhesive because the primary method for bonding the substrates together in the present invention is their differential heating. For example, it would quickly render the present invention useless if even a small portion of the peripheral seal were to be breached, even if overall the substrates were still firmly affixed together. Thus, again *Kohan* teaches away from the present invention because it teaches the use of adhesives rather than sealants.

In addition, *Kohan* teaches the use of microwave radiation only to cure adhesives that, due to their location, are incapable of being air-cured. However, the present invention is capable of functioning either without any 'adhesive' at all, or by using an adhesive that does not require radiation to cure. The primary purpose of microwave radiation in the present invention is to differentially heat the substrates. Thus, because *Kohan* teaches the use of microwave radiation only to cure adhesives, rather than to differentially heat the substrates, *Kohan* teaches away from the present invention.

Finally, claim 15 does preclude using a microwave curable adhesive because the claim language makes no mention of any sort of adhesive.

Applicant notes with appreciation the Examiner's indication of allowable subject matter in claims 19, 21, 22 and 37. Applicant appreciates the Examiner's review of the present application and respectfully requests reconsideration in light of the above amendment and remarks. Each of the Examiner's rejections has been addressed.

Accordingly, it is respectfully submitted that the application is in condition for allowance. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the applicant would welcome a collect telephone call at the Examiner's convenience to the telephone number indicated below.

Respectfully submitted,

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